

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CANDACE SMITH,

Plaintiff,

v.

FRESNO STATE UNIVERSITY, et al.,

Defendants.

No. 1:25-cv-00329-KES-BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION WITHOUT PREJUDICE FOR
FAILURE TO PROSECUTE

Doc. 4

On March 18, 2025, plaintiff Candace Smith, proceeding pro se and in forma pauperis, filed this civil action seeking damages under the Racketeer Influenced and Corrupt Organizations Act. Doc. 1. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 21, 2025, the assigned magistrate judge granted plaintiff's motion to proceed in forma pauperis. Doc. 3. On March 31, 2025, the order was returned to the Court as "Undeliverable, RTS, Insufficient address, Unable to forward." *See* Docket. Plaintiff did not provide the Court with her updated address as required by Local Rule 183. *See* Docket.

Accordingly, on May 7, 2025, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed for plaintiff's failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 183(b). Doc. 4. The findings and recommendations were served on plaintiff and contained notice that any objections thereto

1 were to be filed within fourteen days after service.¹ *Id.* at 3. Plaintiff has not filed any objections,
2 and the time to do so has passed. Nor has plaintiff updated her address or otherwise
3 communicated with the Court.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court conducted a de
5 novo review of this case. Having carefully reviewed the file, the Court concludes that the
6 findings and recommendations are supported by the record and proper analysis.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations issued on May 7, 2025, Doc. 4, are adopted in
9 full;
- 10 2. This action is dismissed without prejudice for plaintiff's failure to prosecute; and
- 11 3. The Clerk of the Court is directed to close this case.

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14 IT IS SO ORDERED.

15 Dated: June 5, 2025


UNITED STATES DISTRICT JUDGE

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26 ¹ Though the findings and recommendations were also returned to the Court as undeliverable,
27 they were properly served on plaintiff. *See* Local Rule 182(f) (“Each appearing attorney and pro
28 se party is under a continuing duty to notify the Clerk and all other parties of any change of
address or telephone number of the attorney or the pro se party. Absent such notice, service of
documents at the prior address of the attorney or pro se party shall be fully effective.”).